

REMARKS

Claim 1 has been amended to further define the repeating unit of formula (1) and to more clearly define the subject matter which Applicants regard as the invention. Support for amended Claim 1 can be found at, for example, pages 12-16, formulas (29)-(33). Claim 2 has been amended to further define the repeating unit of formula (2). Support for amended Claim 2 can be found in the original subject matter of Claims 1 and 6. Claim 3 has been amended to correct the form of the claim. Claim 6 has been amended to correct a typographical error. Claim 7 has been amended to define the variables "f" and "g," in Formula (11). Support for amended Claim 7 can be found, for example, at page 47. Claim 10 has been amended to more clearly recite the polymer compound having a liquid-crystallinity. Claims 31-42 have been added. Support for Claims 31-42 can be found in the subject matter of Claims 8-11 and 23-30, respectively. No new matter has been added. Upon entry of this Amendment, which is respectfully requested, Claims 1-42 will be pending, of which Claims 12-22 have been withdrawn from consideration.

Response to Claim Objections

Claim 3 has been objected to under 37 CFR § 1.75(c) as being in improper form.

Claim 3 has been amended to delete the reference to definitions in Claim 1. Accordingly, withdrawal of the objection is respectfully requested.

Response to Claim Rejections Under § 112

Claims 1-11 and 23-30 have been rejected under 35 U.S.C. § 112, second paragraph, as assertedly being indefinite.

Without admitting that this rejection is correct:

(A) Claim 1 has been amended to more clearly state that the heterocyclic aromatic group has adjacent carbons;

- (B) Claim 6 has been amended to correct a typographical error;
- (C) Claim 7 has been amended to define the variables “f” and “g,” in Formula (11);

and

- (D) Claim 10 has been amended to refer to “liquid-crystallinity.”

As such, Applicants respectfully submit that the present claimed invention, as defined by the above amended Claims, now more clearly complies with the requirements of 35 U.S.C. § 112, second paragraph. Accordingly, withdrawal of this rejection is respectfully requested.

Response to Claim Rejections Under § 102 and § 103

Claims 1, 2, 6-11 and 23-30 have been rejected under 35 U.S.C. § 102(a) or under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0168656 to Kobayashi et al.

Additionally, Claims 1-7, 9-11 and 23-30 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0028347 to Marrocco, III et al.

Applicants respectfully traverse both rejections for the following reasons.

Regarding independent Claim 1, neither Kobayashi nor Marrocco disclose or suggests the presently claimed repeating unit of formula (1) wherein $-X^1-X^2-$ is a group selected from the presently claimed formulas as recited in Claim 1. Thus, Kobayashi and Marrocco fail to anticipate or render obvious present Claim 1.

Regarding independent Claim 2, Marrocco does not disclose or suggest a polymer further comprising a divalent heterocyclic group as a repeating unit. Further, Kobayashi does not disclose or suggest a repeating unit belonging to formula (2). Thus, Kobayashi and Marrocco fail to anticipate or render obvious present Claim 2.

Dependent Claims 3-11 and 23-42 are patentable at least by virtue of their dependence from Claims 1 and 2. Accordingly, withdrawal of the § 102 and § 103 rejections is respectfully requested.

Response to Double Patenting Rejections

Claims 1-11 and 23-30 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-27 of copending Application No. 10/573,839.

Additionally, Claims 1-7, 9-11 and 23-25 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-11 of copending Application No. 11/572,513.

Since the above rejections are provisional, based upon pending patent Applications, Applicants elect to defer addressing the merits of these provisional rejections.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880.

AMENDMENT UNDER 37 C.F.R. § 1.111
Application No.: 10/532,937

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Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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